

W. CLERK
U.S. DISTRICT COURT
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PRICEFISH, INC.,

Plaintiff,

-against-

ERIC STERN, a.k.a. Eric Arcerio, a.k.a Eric Liftchefsky,
and EFEX COMPUTERS, INC.,

Defendants.

JUDGMENT
05-CV- 2979 (ARR)

An Order of Honorable Allyne R. Ross, United States District Judge, having been filed on July 22, 2005, adopting the Report and Recommendation of Magistrate Judge Viktor V. Pohorelsky, dated July 5, 2005, after a *de novo* review of the record; (1) granting plaintiff's motion to transfer ownership and title of the www.pricefish.com domain name to plaintiff pursuant to 15 U.S.C. § 1125(d); (2) ordering that defendants are preliminarily enjoined from using or controlling the www.pricefish.com domain name; (3) directing defendants, their respective officers, agents, servants, employees, and attorneys, to immediately transfer ownership and title of the www.pricefish.com domain name to plaintiff; and (4) ordering that if defendants fail to transfer ownership and title of the domain name within three (3) business days of the issuance of the Court's Order, Register.com is directed to transfer ownership and title of the www.pricefish.com domain name to plaintiff; it is

JUDGMENT
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ORDERED and ADJUDGED that the Report and Recommendation of Magistrate Judge Viktor V Pohorelsky is adopted in its entirety; (1) that plaintiff's motion to transfer ownership and title of the www.pricefish.com domain name to plaintiff pursuant to 15 U.S.C. § 1125(d) is granted; (2) that defendants are preliminarily enjoined from using or controlling the www.pricefish.com domain name; (3) that defendants, their respective officers, agents, servants, employees, and attorneys, are directed to immediately to transfer ownership and title of the www.pricefish.com domain name to plaintiff; and that if defendants fail to transfer ownership and title of the domain name within three (3) business days of the issuance of the Court's Order, Register.com is directed to transfer ownership and title of www.pricefish.com domain name to plaintiff.

Dated: Brooklyn, New York
July 25, 2005,

ROBERT C. HEINEMANN
Clerk of Court

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
PRICEFISH, INC.,

Plaintiff,

-against-

ERIC STERN, a.k.a. Eric Arcerio, a.k.a. Eric Litchevsky,
and EFEX COMPUTERS, INC.,

Defendants.

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ROSS, United States District Judge:

05 CV 2979 (ARR)(VVP)

NOT FOR
ELECTRONIC OR PRINT
PUBLICATION

OPINION AND
PRELIMINARY
INJUNCTION

I have received the oral Report and Recommendation on the instant case dated July 5, 2005 from the Honorable Victor V. Pohorelsky. At a hearing on July 5, 2005, at which defendants failed to appear despite adequate notice, Judge Pohorelsky found, inter alia, that (1) plaintiff established irreparable harm in the absence of an injunction; and (2) plaintiff established a substantial likelihood of success on the merits under the Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d).

Consistent with Judge Pohorelsky's Report, and having conducted a *de novo* review of the record, I find that plaintiff is entitled to preliminary injunctive relief and hereby adopt the Report and Recommendation in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1). Accordingly, it is ordered that:

- (1) Plaintiff's motion to transfer ownership and title of the www.pricefish.com domain name to plaintiff pursuant to 15 U.S.C. § 1125(d) is granted;
- (2) Defendants are preliminarily enjoined from using or controlling the www.pricefish.com domain name;

- (3) Defendants, their respective officers, agents, servants, employees, and attorneys, are directed immediately to transfer ownership and title of the www.pricefish.com domain name to plaintiff; and
- (4) If defendants fail to transfer ownership and title of the domain name within three (3) business days of the issuance of this order, Register.com is directed to transfer ownership and title of the www.pricefish.com domain name to plaintiff.

SO ORDERED.

/s/ Allyne R. Ross
United States District Judge

Dated: July 22, 2005
Brooklyn, New York

SERVICE LIST:

Darren Oved
Thomas Freedman, Jr.
Oved & Oved LLP
110 Greene Street
Suite 1102
New York, NY 10012

Eric Stern
341 37th Street
Brooklyn, NY 11232

Efex Computers, Inc.
341 37th Street
Brooklyn, NY 11232

cc: Magistrate Judge Victor V. Pohorelsky